UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MISSOURI EASTERN DIVISION

KENNETH EDWARD BARBOUR,)	
)	
Plaintiff,)	
)	
V.)	No. 4:10CV1869 CDP
)	
Y.M. TAYLOR, et al.,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

This matter is before the Court on plaintiff's submission of a civil complaint. Plaintiff has not paid the statutory filing fee. Plaintiff, a prisoner, has filed at least three previous cases that were dismissed for failure to state a claim upon which relief can be granted. Under 28 U.S.C. § 1915(g), therefore, plaintiff may not proceed in forma pauperis unless he "is under imminent danger of serious physical injury." Upon review of the complaint, the Court finds no indication that plaintiff is in imminent danger. As a result, plaintiff may not proceed in this cause unless he pays the filing fee.

Accordingly,

¹See <u>Barbour v. Wallens Ridge State Prison's Food Serv.</u>, 7:09CV99 JCT (W.D. Va.) (dismissal for failure to state a claim); <u>Barbour v. Virginia Dept. of Corr.</u>, 7:09CV91 JCT (W.D. Va.) (same); <u>Barbour v. Virginia Dept. of Corr.</u>, 7:09CV83 JCT (W.D. Va.) (same).

IT IS HEREBY ORDERED that plaintiff shall pay the \$350 filing fee within fourteen (14) days of the date of this Order.

IT IS FURTHER ORDERED that if plaintiff fails to timely pay the filing fee, the Court will dismiss this action for failure to prosecute.

Dated this 10th day of November, 2010.

CATHERINE D. PERRY

UNITED STATES DISTRICT JUDGE